

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 58 are pending, with Claims 1, 5, 10, 18, 23, 28, 36, and 44 being independent. Claims 5 through 50 and 52 through 58 were withdrawn from consideration. Claims 1 through 4 and 51 have been amended.

Claims 1 through 4 and 51 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claims in a manner believed to avoid the grounds of rejection. In particular, in Claim 1, the objected-to recitation "photographic magnification" has been changed to --imaging magnification--. In Claim 2, the objected-to recitation has been deleted. In Claim 4, the objected-to recitation "whole" has been changed to --whole or part--. Favorable consideration is earnestly solicited.

Claims 1, 2, 4, and 51 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application. Publication No. US 2001/0021005 A1 (Kuiseko, et al.) All rejections are respectfully traversed.

Claim 1 recites, inter alia, that the lens system moves the whole or part of the lens system during focusing.

However, Applicant respectfully submits that Kuiseko, et al. fails to disclose or suggest at least the above-discussed claimed feature as recited, inter alia, in Claim 1. The Official Action asserts that the system of Kuiseko, et al. is disclosed as a projection apparatus ([0003], [0005]) and therefore the system would inherently have to move the whole or part of the projection apparatus in order for the device to come into focus. This assertion is respectfully

traversed. Applicant respectfully notes that in Kuiseko, et al., the telecentric optical system 511a is disposed so that a focal point on the display device side is positioned at the surface of the DMD 33 and a focal point on the intermediate image side is positioned at or just before the position of incidence of light upon the processing optical system ([0102]), and Applicant submits that the telecentric optical system 511a, DMD 33, and the processing optical system are fixed and do not move, i.e., the focus of the telecentric optical system never changes, as a result of which the whole or part of the telecentric optical system is not moved for focusing.

Claims 1, 3, and 51 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,909,322 (Bietry). All rejections are respectfully traversed.

Claim 1 recites, inter alia,  $\beta \geq 0.5$ , where  $\beta$  is a maximum imaging magnification.

However, Applicant respectfully submits that Bietry fails to disclose or suggest at least the above-discussed claimed feature as recited, inter alia, in Claim 1. Applicant notes that Bietry makes reference, e.g., to a magnification of "16×". However, Applicant respectfully submits that such constitutes neither a description nor a suggestion of the above-discussed claimed feature. In more detail, Applicant respectfully submits that typically the imaging magnification of an optical system is a ratio of the size of an object and an image of which the positional relation is conjugate with each other via the optical system, i.e., the imaging magnification is defined by the equation of (image size)/(object size). On the other hand, respectfully submits Applicant, there are optical systems which have no imaging function singly, e.g., an eyepiece optical system; such an optical system does not have an imaging function, but when it is combined with other optical components, an optical system having an imaging function can be arranged as a whole. Applicant respectfully submits that in Bietry, the magnifier lens 100 is directed to, e.g., an eyepiece optical system (e.g., col. 3, lines 27-38), and has no

imaging function itself, which can be seen from Fig. 1 of Bietry, wherein light beams emerging from points on the image display 30 are made to parallel beams after passing through the magnifier lens 100 and pass the diaphragm 10 — because the light passing through the magnifier lens 100 is made in parallel, the magnifier lens does not have an imaging function. Applicant respectfully notes that in an eyepiece optical system, a quantity of magnification other than imaging magnification is sometimes defined, which magnification is typically defined as “loupe magnification”, and the loupe magnification is defined by the equation of  $M=250$  (254) mm/(focal length of the eyepiece optical system, measured in mm). Applicant respectfully submits that the magnification of Bietry is directed to this magnification (see, e.g., col. 1, lines 41 through 43). Accordingly, Applicant respectfully submits that Bietry fails to disclose or suggest at least the above-discussed claimed feature as recited, inter alia, in Claim 1.

The Official Action also makes reference to (1) U.S. Patent Application Publication No. US 2003/0021031 A1 (Suzuki), (2) U.S. Patent No. 5,067,803 (Ohno) in view of U.S. Patent Application Publication No. US 2001/0015848 A1 (Nakai), and (3) U.S. Patent No. 5,444,569 (Broome). All such references are respectfully traversed.

Applicant respectfully submits that none of these cited documents, even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed magnification feature as recited in Claim 1.

Applicant respectfully submits that Suzuki discloses, e.g., an afocal lens, which has no imaging function, and that the magnification there is afocal magnification  $M$  defined by the equation  $M=fF/|fR|$  where  $fF$  is a focal length of the positive lens group and  $fR$  is a focal length of the negative lens group ([0055]).

As to Ohno, the Official Action states that enlargement prints would inherently have the claimed magnification in view of the disclosure regarding the wide-angle lens at col. 2, lines 19-22. This statement is respectfully traversed. Applicant respectfully submits that neither the reference to "enlargement prints" nor the reference to "wide-angle lens" provides either a description or suggestion of the claimed imaging magnification.

As to Broome, Applicant respectfully submits that such discloses, e.g., a Galilean telescope (e.g., figures and col. 2, lines 12-27), and Applicant respectfully submits that the same is an afocal system, which does not have an imaging function.

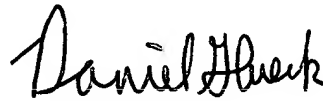
It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel S. Glueck". The signature is written in dark ink and is positioned above a horizontal line.

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